

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

CLARENCE SMITH,

Petitioner,

v.

CIVIL ACTION NO. 2:15-cv-13636

DAVID BALLARD,

Respondent.

**ORDER**

This action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On May 26, 2016, Judge Aboulhosn submitted his Proposed Findings & Recommendations (“PF&R”) [ECF No. 19] and recommended that the court **GRANT** the defendant’s Motion to Dismiss the Petition as Untimely [ECF No. 10] and **DISMISS** the case. No party timely filed objections to the PF&R or sought an extension of time.

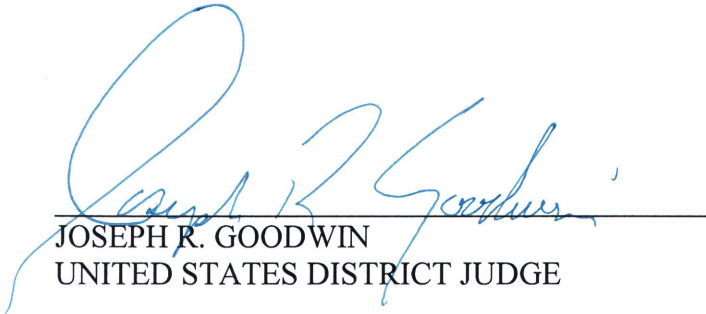
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** the defendant's Motion to Dismiss the Petition as Untimely [ECF No. 10], and the court **ORDERS** the case **DISMISSED**.

The court **DIRECTS** the Clerk to remove this action from the docket and to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 21, 2016



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE